

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**JOSHUA J. MINIX**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 1:19CV108  
(Judge Keeley)**

**CENTRAL SOURCE, LLC, ET AL.,**

**Defendants.**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
[DKT. NO. 56] AND DISMISSING DEFENDANTS  
CENTRAL SOURCE, LLC AND CAPITAL ONE WITH PREJUDICE**

---

On or about April 9, 2019, pro se plaintiff, Joshua J. Minix ("Minix"), commenced this action by filing a complaint in the Circuit Court of Preston County, West Virginia (Dkt. No. 1, at 9). On May 15, 2019, defendant Progressive Casualty Insurance Company filed a notice of removal pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. The Court then provided Minix with a Notice of General Guidelines for Appearing Pro Se in Federal Court (Dkt. Nos. 1, 2), and referred the action to United States Magistrate Judge Michael J. Aloï for initial screening and a report and recommendation ("R&R") regarding any motions filed in accordance with LR PL P 2 and 28 U.S.C. § 1915(e) (Dkt. No. 16). Defendants Central Source, LLC and Capital One filed separate motions to dismiss for failure to state a claim on May 22, 2019 (Dkt. Nos. 6, 11).

Magistrate Judge Aloï recommended that the Court grant Central Source, LLC's and Capital One's motions to dismiss, and specifically warned Minix that failing to object to the

**ORDER ADOPTING REPORT AND RECOMMENDATION  
[DKT. NO. 56] AND DISMISSING DEFENDANTS  
CENTRAL SOURCE, LLC AND CAPITAL ONE WITH PREJUDICE**

---

recommendation would result in the waiver of his right to appeal the ruling. Id. at 15. On October 8, 2019, the Court extended the deadline for Minix to file objections to the R&R to November 14, 2019. To date, Minix has not filed objections to the R&R.<sup>1</sup>

After careful review, and finding no clear error, the Court **ADOPTS** the R&R in its entirety (Dkt. No. 56), **GRANTS** Central Source, LLC's motion to dismiss for the reasons stated in the R&R (Dkt. No. 6), **GRANTS** Capital One's motion to dismiss for the reasons stated in the R&R (Dkt. No. 11), and **DISMISSES** the case as to Central Source, LLC and Capital One with prejudice.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit a copy of this order to the pro se plaintiff by certified mail, return receipt requested, to his last known address and to counsel of record by electronic means.

Dated: November 19, 2019

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup> The failure to object to the R&R not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issues presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).